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SILVERBROOK RESEARCH PTY LTD
393 DARLING STREET
BALMAIN, 2041
AUSTRALIA

EXAMINER

WINTER, JOHN M

ART UNIT

PAPER NUMBER

3621

DATE MAILED: 11/07/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/609,149

Applicant(s)

LAPSTUN ET AL.

Examiner

John M Winter

Art Unit

3621

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-48 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-48 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on ____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. ____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) ____.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). ____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

Claims 1-48 have been examined

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-17,20-21,24-25,27-40,42,44,and 47-48 are rejected under 35 U.S.C. 103(a) as being unpatentable over Beatson al. (US Patent No 5,892,824) in view of Brown (US Patent No 6,023,686)

As per claim 1,

Beatson et al. ('824) discloses a method of enabling an auction seller to seek bids, the method including the steps of

receiving, in a computer system, indicating data from a sensing device regarding the identity of the form and a position of the sensing device relative to the form, the sensing device, when placed in an operative position relative to the form, sensing the indicating data using at least some of the coded data;(Column 6, lines 20-60)

identifying, in the computer system and from the indicating data, at least one parameter relating to the listing transaction.(Column 6, lines 20-60)

Beatson et al. ('824) does not explicitly disclose providing the auction seller with a form containing information relating to a listing transaction, the form including coded data indicative of an identity of the form and of at least one reference point of the form. Brown ('686) discloses providing the auction seller with a form containing information relating to a listing transaction, the form including coded data indicative of an identity of the form and of at least one reference point of the form.(Figure 6) It would be obvious to one having ordinary skill in the art at the time the invention was made to combine the Beatson et al. ('824) method with the Brown ('686) method in order to allow the seller to identify the form.

As per claim 2,

Beatson et al. ('824) discloses the method of claim 1,

in which said at least one parameter relating to the listing transaction is associated with at least one zone of the form and in which the method includes identifying, in the computer system and from the zone relative to which the sensing device is located, said at least one parameter.(Column 12, lines 35-54)

Art Unit: 3621

As per claim 3,

Beatson et al. ('824) discloses the method of claim 2 which includes:

receiving, in the computer system, data regarding movement of the sensing device relative to the form, the sensing device sensing its movement relative to the form using at least some of the coded data;(Column 12, lines 35-39)

identifying, in the computer system and from said movement being at least partially within said at least one zone, said at least one parameter of the listing transaction.(Column 12, lines 46-51)

As per claim 4,

Beatson et al. ('824) discloses a method of enabling an auction seller to seek bids, the method including the steps of

receiving, in a computer system, data from a sensing device regarding said at least one parameter and regarding movement of the sensing device relative to the form, the sensing device, when moved relative to the form, sensing the data regarding said at least one parameter using at least some of the coded data and generating the data regarding its own movement relative to the form; (Column 6, lines 20-60)

interpreting, in the computer system, said movement of the sensing device as it relates to said at least one parameter.(Column 6, lines 20-60)

Beatson et al. ('824) does not explicitly disclose providing the auction seller with a form containing information

relating to a listing transaction, the form including coded data indicative of at least one parameter of the listing transaction. Brown ('686) discloses providing the auction seller with a form containing information relating to a listing transaction, the form including coded data indicative of an identity of the form and of at least one parameter of the listing transaction.(Figure 6) It would be obvious to one having ordinary skill in the art at the time the invention was made to combine the Beatson et al. ('824) method with the Brown ('686) method in order to allow the seller to identify the form.

As per claim 5,

Beatson et al. ('824) discloses a method of enabling an auction seller to seek bids, the method including the steps of

receiving, in a computer system, data from a sensing device regarding an identity of the auction seller and regarding the identity of the form, the sensing device containing the data regarding the identity of the auction seller and sensing the data regarding the identity of the form using at least some of the coded data; (Column 6,lines 20-60)

identifying, in the computer system and from the data regarding the identity of the auction seller and the identity of the form, a listing transaction.(Column 12,lines 46-51)

Beatson et al. ('824) does not explicitly disclose providing the auction seller with a form including coded data

indicative of an identity of the form. Brown ('686) discloses providing the auction seller with a form including coded data indicative of an identity of the form.(Figure 6) It would be obvious to one having ordinary skill in the art at the time the invention was made to combine the Beatson et al. ('824) method with the Brown ('686) method in order to allow the seller to identify the form.

Art Unit: 3621

As per claim 6,
Beatson et al. ('824) discloses the method of claim 5,
in which the coded data is also indicative of at least one parameter of the listing transaction,
and the method includes
receiving, in the computer system, indicating data from the sensing device regarding said at least one parameter of the listing transaction, the sensing device sensing the indicating data using at least some of the coded data.(Column 12, lines 35-54)

As per claim 7,
Beatson et al. ('824) discloses the method of claim 6,
which includes receiving, in the computer system, data from the sensing device regarding movement of the sensing device relative to the form, the sensing device generating data regarding its own movement relative to the form.(Column 12, lines 35-44)

As per claim 8,
Beatson et al. ('824) discloses the method of claim 6,
which the parameter is an action parameter of the listing transaction, the method including effecting, in the computer system, an operation in respect of the action parameter.(Column 12, lines 35-54)

As per claim 9,
Beatson et al. ('824) discloses the method of claim 8,
Official Notice is taken that "requesting the listing of an item, attaching a picture of an item being listed, confirming the listing of an item, modifying the listing of an item, and canceling the listing of an item." is common and well known in prior art in reference to electronic auctions. It would have been obvious to one having ordinary skill in the art at the time the invention was made to request the listing of an item, attach a picture of an item being listed, confirm the listing of an item, modify the listing of an item, and canceling the listing of an item because these are fundamental transactions performed by a customer in an auction. The Examiner notes that this feature is common to online auctions such as Ebay.

As per claim 10,
Beatson et al. ('824) discloses the method of claim 7
in which the parameter is an option parameter of the listing transaction, the method including identifying, in the
computer system, that the auction seller has entered a hand-drawn mark by means of the sensing device and effecting, in the computer system, an operation associated with the option parameter.(Column 12, lines 35-54)

As per claim 11,
Beatson et al. ('824) discloses the method of claim 10,
Official Notice is taken that "requesting the listing of an item, attaching a picture of an item being listed, confirming the listing of an item, modifying the listing of an item, canceling the listing of an item, an auction type, a listing category, and a listing subcategory" is common and

Art Unit: 3621

well known in prior art in reference to electronic auctions. It would have been obvious to one having ordinary skill in the art at the time the invention was made to request the listing of an item, attach a picture of an item being listed, confirm the listing of an item, modifying the listing of an item, cancel the listing of an item, an auction type, a list category, and a list subcategory because these are fundamental transactions performed by a customer in an auction. The Examiner notes that this feature is common to online auctions such as Ebay.

As per claim 12,
Beatson et al. ('824) discloses the method of claim 7,
in which the parameter is a text parameter of the listing transaction, the method including identifying, in the computer system, that the auction seller has entered handwritten text data by means of the sensing device and effecting, in the computer system, an operation associated with the text parameter.(Column 12, lines 35-54)

As per claim 13,
Beatson et al. ('824) discloses the method of claim 12,
which includes converting, in the computer system, the handwritten text data to computer text.(Column 12, lines 35-54)

As per claim 14,
Beatson et al. ('824) discloses the method of claim 13,
in which the text parameter is associated with at least one of a name of the auction seller, a title of an auction listing, an auction start date, an auction end date, an auction item quantity, an opening bid for an auction item, a sale price for an auction item, a location of an auction item, payment terms for an auction item, a shipping method for an auction item, and a description of an auction item.(Column 12, lines 35-54)

As per claim 15,
Beatson et al. ('824) discloses the method of claim 7,
in which the parameter is an authorization parameter of the listing transaction, the method including identifying, in the computer system, that the auction seller has entered a handwritten signature by means of the sensing device and effecting, in the computer system, an operation associated with the authorization parameter.(Column 12, lines 35-54)

As per claim 16,
Beatson et al. ('824) discloses the method of claim 15,
which includes verifying, in the computer system, that the signature is that of the auction seller.(Column 12, lines 35-54)

As per claim 17,
Beatson et al. ('824) discloses the method of claim 16,
Official Notice is taken that "the authorization parameter is associated with authorization of at least one of

Art Unit: 3621

listing of an auction item, and payment for listing of an auction item” is common and well known in prior art in reference to auctions. It would have been obvious to one having ordinary skill in the art at the time the invention was made to associate the authorization parameter with authorization of at least one of listing of an auction item, and payment for listing of an auction item because this provides a convenience for use for the consumer. The Examiner notes that this feature is common to all Ebay web auctions

As per claim 20,

Beatson et al. ('824) discloses a method of claim 5

Beatson et al. ('824) does not explicitly disclose the form contains information relating to at least one of:

terms of an item auction, a description of an item being listed for auction, categories in which an item can be listed, and subcategories in which an item can be listed. Brown ('686) discloses the form contains information relating to at least one of: terms of an item auction, a description of an item being listed for auction, categories in which an item can be listed, and subcategories in which an item can be listed.(Figure 6) It would be obvious to one having ordinary skill in the art at the time the invention was made to combine the Beatson et al. ('824) method with the Brown ('686) method in order to clearly present data to the consumer.

As per claim 21,

Beatson et al. ('824) discloses the method of claim 5,

Official Notice is taken that “printing the form on demand” is common and well known in prior art in reference to electronic rendering of printed material. It would have been obvious to one having ordinary skill in the art at the time the invention was made to print the form on demand because this provides a convenience for use for the consumer. The Examiner notes that this feature is common to all Microsoft Windows programs.

As per claim 24,

Beatson et al. ('824) discloses a method of claim 5

Beatson et al. ('824) does not explicitly disclose retaining a retrievable record of each form generated, the form

being retrievable using its identity as contained in its coded data. Brown ('686) discloses retaining a retrievable record of each form generated, the form being retrievable using its identity as contained in its coded data.(Figure 6) It would be obvious to one having ordinary skill in the art at the time the invention was made to combine the Beatson et al. ('824) method with the Brown ('686) method in order to effectively organize the data.

As per claim 25,

Beatson et al. ('824) discloses a method of claim 5

Beatson et al. ('824) does not explicitly disclose distributing a plurality of the forms using a mixture of multicast and point cast communication protocols. Brown ('686) discloses disclose distributing a plurality of the forms using a mixture of multicast and point cast communication protocols.(Figure 6) It would be obvious to one having ordinary skill in the

Art Unit: 3621

art at the time the invention was made to combine the Beatson et al. ('824) method with the Brown ('686) method in order to provide a convenience for use for the consumer.

As per claim 27,

Beatson et al. ('824) discloses a method of claim 5

Beatson et al. ('824) does not explicitly disclose providing all required information relating to the listing transaction in the form to eliminate the need for a separate display device.

Brown ('686) discloses providing all required information relating to the listing transaction in the form to eliminate the need for a separate display device.(Figure 6) It would be obvious to one having ordinary skill in the art at the time the invention was made to combine the Beatson et al. ('824) method with the Brown ('686) method in order to avoid wasteful use of display devices.

As per claim 28,

Beatson et al. ('824) discloses the method of claim 5,

Official Notice is taken that "the form is printed on multiple pages and in which the method includes binding the pages" is common and well known in prior art in reference to electronic rendering of printed material. It would have been obvious to one having ordinary skill in the art at the time the invention was made to print the form on multiple pages and in which the method includes binding the pages because this improves access to the content for the user. The Examiner notes that this feature is common to PDF rendering software such as Adobe acrobat.

As per claim 29,

Beatson et al. ('824) discloses a system for enabling an auction seller to seek bids, the system including

a computer system for receiving indicating data from a sensing device for identifying at least one parameter relating to the listing transaction, the indicating data being indicative of the identity of the form and a position of the sensing device relative to the form, the sensing device sensing the indicating data using at least some of the coded data.(column 6,lines 20-60)

Beatson et al. ('824) does not explicitly disclose a form containing information relating to a listing transaction, the form including coded data indicative of an identity of the form and of at least one reference point of the form. Brown ('686) discloses a form containing information relating to a listing transaction, the form including coded data indicative of an identity of the form and of at least one reference point of the form. (Figure 6) It would be obvious to one having ordinary skill in the art at the time the invention was made to combine the Beatson et al. ('824) method with the Brown ('686) method in order to allow the seller to identify the form.

As per claim 30,

Beatson et al. ('824) discloses the system of claim 29,

Beatson et al. ('824) does not explicitly disclose at least one parameter relating to the listing transaction is associated with at least one zone of the form. Brown ('686) discloses at least one parameter relating to the listing transaction is associated with at least one zone of the form. (Figure 6) It would be obvious to one having ordinary skill in the art at the time the invention

Art Unit: 3621

was made to combine the Beatson et al. ('824) method with the Brown ('686) method in order to allow the seller to identify the form.

As per claim 31,
Beatson et al. ('824) discloses the system of claim 29,
which includes the sensing device, the sensing device sensing its movement relative to the form using at least some of the coded data.(Column 12, lines 35-54)

As per claim 32,
Beatson et al. ('824) discloses a system for enabling an auction seller to seek bids, the system including
a computer system for receiving data from a sensing device regarding said at least one parameter and regarding movement of the sensing device relative to the form, and for interpreting said movement of the sensing device as it relates to said at least one parameter, the sensing device, when moved relative to the form, sensing the data regarding said at least one parameter using at least some of the coded data and generating the data regarding its own movement relative to the form.(Column 6, lines 20-60)

Beatson et al. ('824) does not explicitly disclose a form including coded data indicative of an identity of the form.

Brown ('686) discloses a form including coded data indicative of an identity of the form (Figure 6) It would be obvious to one having ordinary skill in the art at the time the invention was made to combine the Beatson et al. ('824) method with the Brown ('686) method in order to allow the seller to identify the form.

As per claim 33,
Beatson et al. ('824) discloses a system for enabling an auction seller to seek bids, the system including
a computer system for receiving from a sensing device data regarding an identity of the auction seller and the identity of the form, and for identifying, from said received data, a listing transaction, the sensing device containing the data regarding the identity of the auction seller and sensing the data regarding the identity of the form using at least some of the coded data.(Column 6, lines 20-60)

Beatson et al. ('824) does not explicitly disclose a form including coded data indicative of an identity of the form.

Brown ('686) discloses a form including coded data indicative of an identity of the form (Figure 6) It would be obvious to one having ordinary skill in the art at the time the invention was made to combine the Beatson et al. ('824) method with the Brown ('686) method in order to allow the seller to identify the form.

As per claim 34,
Beatson et al. ('824) discloses the system of claim 33,
in which the coded data is also indicative of at least one parameter of the listing transaction, the computer system receiving, indicating data from the sensing device regarding said at least

Art Unit: 3621

one parameter of the listing transaction, the sensing device sensing the indicating data using at least some of the coded data.(Column 12, lines 35-54)

As per claim 35,
Beatson et al. ('824) discloses the system of claim 33,
which includes the sensing device, the sensing device sensing its movement relative to the form.(Column 12, lines 35-44)

As per claim 36,
Beatson et al. ('824) discloses the system of claim 34,
in which said at least one parameter of the listing transaction is selected from the group comprising an action parameter of the listing transaction, an option parameter of the listing transaction, a text parameter of the listing transaction, an authorization parameter of the listing transaction, and a picture parameter of the listing transaction.(Column 12, lines 35-54)

As per claim 37,
Beatson et al. ('824) discloses the system of claim 36,
Official Notice is taken that "requesting the listing of an item, attaching a picture of an item being listed, confirming the listing of an item, modifying the listing of an item, and canceling the listing of an item." is common and well known in prior art in reference to electronic auctions. It would have been obvious to one having ordinary skill in the art at the time the invention was made to request the listing of an item, attach a picture of an item being listed, confirm the listing of an item, modify the listing of an item, and canceling the listing of an item because these are fundamental transactions performed by a customer in an auction. The Examiner notes that this feature is common to online auctions such a Ebay.

As per claim 37,
Beatson et al. ('824) discloses the system of claim 36,
Official Notice is taken that "requesting the listing of an item, attaching a picture of an item being listed, confirming the listing of an item, modifying the listing of an item, canceling the listing of an item, an auction type, a listing category, and a listing subcategory" is common and well known in prior art in reference to electronic auctions. It would have been obvious to one having ordinary skill in the art at the time the invention was made to request the listing of an item, attach a picture of an item being listed, confirm the listing of an item, modifying the listing of an item, cancel the listing of an item, an auction type, a list category, and a list subcategory because these are fundamental transactions performed by a customer in an auction. The Examiner notes that this feature is common to online auctions such a Ebay.

As per claim 39,
Beatson et al. ('824) discloses the system of claim 36,
in which the text parameter is associated with at least one of a name of the auction seller, a title of an auction listing, an auction start date, an auction end date, an auction item quantity, an opening bid for an auction item, a sale price for an auction item, a location of an auction item,

Art Unit: 3621

payment terms for an auction item, a shipping method for an auction item, and a description of an auction item.(Column 12, lines 35-54)

As per claim 40,

Beatson et al. ('824) discloses the system of claim 36,

Official Notice is taken that "authorization parameter is associated with authorization of at least one of listing of an auction item, and payment for listing of an auction item" is common and well known in prior art in reference to electronic auctions. It would have been obvious to one having ordinary skill in the art at the time the invention was made to make the authorization parameter associated with authorization of at least one of listing of an auction item, and payment for listing of an auction item because these are fundamental transactions in an auction. The Examiner notes that this feature is common to online auctions such as Ebay.

As per claim 42,

Beatson et al. ('824) discloses the system of claim 35,

in which the sensing device includes a marking nib.(Figure 4C)

As per claim 44,

Beatson et al. ('824) discloses the system of claim 35,

Official Notice is taken that "printing the form on demand" is common and well known in prior art in reference to electronic rendering of printed material. It would have been obvious to one having ordinary skill in the art at the time the invention was made to print the form on demand because this provides a convenience for use for the consumer. The Examiner notes that this feature is common to all Microsoft Windows programs.

As per claim 47,

Beatson et al. ('824) discloses a system of claim 33

Beatson et al. ('824) does not explicitly disclose a database for keeping a retrievable record of each form generated, each form being retrievable by using its identity as included in its coded data. Brown ('686) discloses a database for keeping a retrievable record of each form generated, each form being retrievable by using its identity as included in its coded data (Figure 1) It would be obvious to one having ordinary skill in the art at the time the invention was made to combine the Beatson et al. ('824) method with the Brown ('686) method in order to effectively organize the data.

As per claim 48,

Beatson et al. ('824) discloses the system of claim 36,

Official Notice is taken that "binding means for binding the pages" is common and well known in prior art in reference to electronic commerce. It would have been obvious to one having ordinary skill in the art at the time the invention was made to bind pages because prevents papers from becoming disordered and lost. The Examiner notes that a stapler usually performs this function.

Art Unit: 3621

Allowable Subject Matter

Claims 18,19,22,23,26,41,43 and 45-46 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims and complying with double patenting statutes.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Art Unit: 3621

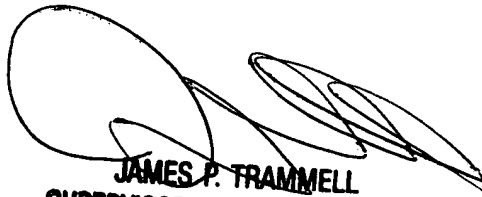
Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to John M Winter whose telephone number is (703) 305-3971. The examiner can normally be reached on M-F 8:30-6, 1st Fridays off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, James P Trammell can be reached on (703)305-9768. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 305-7687 for regular communications and (703) 305-7687 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-1113.

JMW
November 4, 2002



JAMES P. TRAMMELL
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 3600